Previous references.

1912

(S+A)

File No. 55-17

Serial Nos. 1-2, 5-9

Later references.

S+A. File No 295 of 1913.
Serial Nos 1+2 for March 1914.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1, 2, 5, 6 & 9

Part B. for September 1913.

SUBJECT.

Lpamman aikanpalya Pallegar. Family Pensions.

From the Khazana Bakshi. S.H. 24. no 74 Dt 14-8-13 Submits for orders the petition of Lapamma praying that she may be granted a suitable maintenance allowance from the pensions of her step-sons and daughter-in-law.

To the Khazana Bakshi. no 71 2214 Dt 21-9-12 Enquires him to forward a statement of the opinion of the daughter-in-law.

5. From the Khazana Bakshi. no 106 Dt 19-3-13.

Reports as per sl 2

6. From Kukatanarasamma

Dt 11-5-13

Petitions that as she could not attend on the appointed date, she may be heard

7 To the Khazana Bakshi & comptroller

no H 1541-2 Dt 15-9-13.

Sanctions the grant of an allowance of Rs 8 p.m to Papamma out of the pension of her step-sons & daughter-in-law.

By. Yours

24-9-13

G.R.S. 11] 1912.

GENERAL AND REVENUE SECRETARIAT.

(SM)

NOTES.

File No. 55/12

FILE HEADING.

Gummanayakanpalya Pallevar Family Pensions.

From

The Khazana Bakshi, State Huzur Treasury.

No. 74 Dated 14.8.12 Received 15.8.12

Diary No. 678	Enclos. 2 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits for orders the petition of Papamma of Gummanaikanpalya Pallevar family praying that she may be granted a suitable maintenance allowance from out of the pensions enjoyed by her son Ranyappa naik and here daughter-in-law Venkatanarasamma.

NOTES AND ORDERS.

The petitioner Papamma is the mother of late. Narainsami naik who was a Sub-Sharer getting a pension of Rs. ~~30-12-0~~ 15-6-0 a month.

2) On the representation made by Venkatanarasamma in 1909 (wife of Narainsami) regarding the non-payment of her husbands share of pension by

NOTES—First Sheet.

GPB—30,000—12-8-11

R. S. 12]

General and Revenue Secretariat. SR File No. 57 of 191 2

Serial No.

2

by Barawardar – Ramalinga Naik, Govt in G.O. No H 3272-4 & 15-1-10 have sanctioned the continuance of the pension (Rs 15-6-0) in the name of the widow – Venkatanarasamma (no 10).

Banjara Naik (7 sons)

1 2 3 4 5 6 7

2 Narasimha Naik | 3 Thimappa Naik | 4 Subbappa Naik | X X X X

5. Ramalingappa Naik (Barawardar draws the family pension of Rs. 572-0-4.

6. By 1st wife 1 daughter 3 Sons.

Ramalingam Naik + 2 brothers

By 2nd wife 7. Pahamma petitioner

8. Narasimha Naik (died 1906 issueless) ✓
10. his wife Venkatnarasamma get Rs 15.6.0

9. Ranganna Naik ✓ get Rs 15.6.0

3) The petitioner Pahamma (no 7) prays that since her Son – Ranganna Naik (no 9) with whom she has been living has of late given inattention to the needs of the family owing to the troubles of the creditors, she may be awarded suitable allowance for her maintenance out of the pensions of her Son (no 9) & her daughter-in-law (no 10).

4) The Khazana Bakshi states that since the right of the petitioner to maintenance is unquestionable, he recommends that an allowance of ~~Rs~~ 8/- may be granted to her out of the pension of Ranganna Naik & Venkatnarasamma in

NOTE—Contn. sheet.

G I E– 65,000– 17-6-12.

(3

R. S. 12]

General and Revenue Secretariat.

S/A File No. 57 of 1912

Serial No.

in the proportion of Rs 3 & Rs 5/- respectively. The proportion fixed to her daughter in law's share is larger for the reason that the old lady (Petitioner) has been contending all along, Ranganna Naik's pension can ill afford to bear any further burden as he had to maintain a big family whereas Venkata-narasamma the daughter-in-law being alone and without children, can afford more to contribute.

5) Kind attention is invited to the ~~reference file~~ notes & Khazana Bakshi's letter in the reference file wherein the Khazana Bakshi had suggested that Rs Ten may be granted to Venkatanarasamma the daughter-in-law of the petitioner in lieu of full pension.

Z

6) Submitted for orders.

Asst. 30.8.12

1) It is apparent that the present petition is one to the grant of 15-6-0 to the 2nd (widowed) daughter-in-law (ref. Flagged Z) while with a similar sum the surviving son has to maintain a large family and the object of the petitioner is to get some thing from the amount paid to the daughter-law.

3) But it is a matter for consideration if the petitioner can

NOTE—Contn. sheet.

G I P—65,000—17-8-12.

(4

G. R. S. 12]

General and Revenue Secretariat.

S&A File No. 55 of 1912

Serial No.

Claim consisting for her maintence so long as she continues to live with her son — which apparently she is doing even now. There is nothing in the ~~[illegible]~~ petition or the Kharana Bakshi's report to show that she has ~~[illegible]~~ ceased to live with her son. If this information is considered necessary to decide the question, it will be called for.

9) If, on the other hand, Govt are satisfied that the widowed daughter-in-law can be asked to pay out of her pension for the maintence of the petitioner, the arrangement proposed by the Kharanen Bakshi viz 3 Rs to be paid by the son & 5 by the daughter-in-law may be approved

H.S. 29.12.

Order?)

~~Dear~~ 12) Rengappa mark on — sheet 4

NOTE—Contn. sheet.

G.I.P.—65,000—17-6-12.

General and Revenue Secretariat. | SHA File No. 55 of 1912.

Serial No.

be a man with a large family and it does not appear to be desirable to take away anything his pension from him.

11) Venkatramanayyamma has in her own hand any property to look after as she is ordered. From her own pension allowed to her. Still may perhaps be given to the petr. Before doing so, however, she may be given an opportunity of advancing her objections if any to such an arrangement. The Khazana Babu the accounts may be asked to obtain [redacted] and send her statement in the matter.

12) The Khazana Babu has sent ~~2 petns~~ with his report 2 petns received by him in this matter. One of these is dy 28/1/09. He may be asked to explain what action if any has been taken on this petn. & if not why it has been so kept pending after obtaining a report from the Govt.

29/5/9

13) Put up draft as at A above. 7.9.12

NOTE—Contn. sheet.

GP'B—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

S H A File No. 55 of 1912

Serial No.	
	Draft submitted for orders. Issued: 19-9-12 Mul-80 Hbn 18-9-12 (after revise)
2	To the Khazana Bakshi. No 7L 2214 Dr 21-9-12 Enquires as pointed out above. Reminder No H. 2805 Dy 13-XI-12 to the Khazana Bakshi. From Khazana Bakshi, Reply to reminder, No 88 Dy 15-XI-12. States that the report will be submitted as soon as the enquiry is over. May the report be awaited? Mul-85 Hbn 20.XI.12 20.XI.12
5	From Khazana Bakshi, No 106 Dy 19th March 1913. Submits the report of enquiry called for in Sl: No 2. regarding the maintenance allowance to Papamma & recommends that her three Step Sons should be made to pay out of their pensions to Papamma one rupee each, her Son – Ranlappa ₹ 2/- and her daughter-in-law – Venkatanarasamma ₹ 3/- thus making ₹ 8/- in all. Submitted for orders. Mul-85 Hbn 31.3.13. 14. Minute the Khazana Bakshi

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

(7

G. R. S. 12]

General and Revenue Secretariat. | S&A File No. 55 of 1912

Serial No.

Recommendation may be given effect to

by Secy) 15 A draft may be put up accdgly. 1.4.13

Draft 3/4

Draft - Submitted for orders.

Mil-55 dtd 9.4.13 / 15(2) 1871 has been suggested as the date from which the Contribution shd have effect

by Secy) 9/4/13

16. Please consult the Govt. Advocate and speak on the following points under the Hindu Law:—

(i) Whether a Stepson is bound to maintain the Stepmother when the latter has a natural son?

(ii) Whether a daughter-in-law is bound to maintain her mother-in-law when the latter has a son and some Stepsons?

Draft 9/4

17 Forwarded to the Govt Advocate for favour of opinion on the 2 points raised above

by order

Sd/- Ahmed Waziruddin

10.4.13.

for Secy to Govt

Govt Adv No 2(147) dtd 10-4-13

Point no I.

18 It may be stated as a general

U. O. 46. 11/1914

NOTE—Contn. sheet.

R. K

GPB—55,000—17-6-12.

General and Revenue Secretariat.

S/A File No. 55 of 1912

Serial No.

~~made~~ rule of Hindu Law that the maintenance of aged parents, wife & minor children is imperative as a matter of personal obligation arising from the very existence of that relation & quite independent of the possession of any assets. But there appears to be no legal obligation to support a step mother independently of the existence in the hands of a step son of family property. And where a partition has taken place she has a charge regarding her claim for maintenance only in the share of her son & not on that of her step sons where a partition has taken place between her and her stepsons. In other words where there are several groups of sons the maintenance of their mothers must so long as the estate remains joint be a charge upon the whole estate; but when a partition is made the law appears to be that their maintenance is distributed according to relationship the sons

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

S&A File No. 55 of 1912

Serial No.

of each mother being bound to maintain her

2. Second point

19 Inasmuch as a mother is entitled to maintenance even if the son is not in possession of any paternal property it follows that she is entitled to be maintained in the case of his death out of his property. Hence a daughter-in-law, unless she is in possession of the assets of her deceased husband, is not bound to maintain her mother-in-law.

K Doraiswami Iyer
Govt advocate

13.4.13.

Submitted
Pl
16/4

20 With the reference to the observations of the learned Govt Advocate I submit that to decide Hindu law-Cases in our Mofussil Courts and finding out a claimant for a pension and settling hereditariness of the pension held by the Karnavans among the various branches of a family are not matters of general Law, or Customs matters of the same family and have been the subject matters between husband & the different wife, or matters

NOTE—Contn. sheet.

GPB—35,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

SdA File No. 55 of 1912

Serial No.

of course understand that Govt. do their view that the recommendation of the Khajuna Rakshi Thakur the natural son, keep for Hanuman Singh all lands into Inam the maintenance of the Rd lady has be approved—

Dy Secy 17.6.13

21. With reference to the Note of the Govt Advocate about the general principles applicable, he may again be consulted unofficially (separately, if need be) as to the legality of this particular distribution proposed by the Huzur Treasury officer. As regards recent quantity of maintenance, the recommendation will be scrutinized here.

Draft 19/4

22 A separate Note for Govt Advocate prepd. 19/4

Dy Secy

Wells 19/4/13

23 The original letter of the Huzur K.B. may be sent for his reference & return.

Draft 22/4

M. Dobson

Wells

Submd.

25 The Warrant has been changed according to the directions of the Deputy Secy. (Vide memo on the next page)

16 May it issue

RK 23/4

Done 23/4/13

Wells

No 76 164 24-4-1913

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

I to be typed

11)

Forwarded to the Government Advocate for favor of opinion as to the legality of the distribution of the maintenance amount in the following case:-

A Pallegar pensioner dies leaving one daughter and three sons by his first wife and also a widow with her 2 sons. The elder of the 2 sons by the 2nd wife dies issueless leaving a widow behind him. A partition is said to have been entered into by all the five sons who began to live separate when the father was alive, no provision having been made therein for the 2nd wife (widow). The three sons by the 1st wife have deposed before the Kharzana Bakshi, State Huzuri Treasury, that, if according to law, they are bound to maintain their step-mother, they would give her annually after 3 candles of paddy. But the Kharzana Bakshi holds that the amount of the 2nd wife's maintenance should be distributed among all the ~~sons~~ sons the step-sons paying Re 1 each per mensem out of their pensions, her first sons widow Rs 3 and her 2nd son Rs 2. ~~and the~~ The original letter of the Huzuri K.B. is also sent herewith for reference and return.

Vide Pension official table on p. 2 of the notes.

Para 2 of K. Bakshi's letter (Page 2 of the Enclosure)

Flag IV (Copy enclosing report of the Deputation)

Para 5 of K.B's letter (Paper no. 2 of the Enclosure)

Note. The proposal will be dealt with in the note as here.

By order

Assistant Secretary

22.11.

General & Revenue Secretariat

No 70164

Bangalore, 24 April 1913

27 Forwarded to the Government Advocate for favour of opinion as to the legality of the distribution of the maintenance amount in the following case :-

A pallegar pensioner dies leaving one daughter and three sons by ~~his~~ first wife and also a widow with her 2 sons. The elder of the 2 sons by the 2nd wife dies issueless leaving a widow behind him. A partition is said to have been entered into by all the five sons who began to live separate when the father was alive no provision having been made therein for the 2nd wife (widow). The three sons by the 1st wife have deposed before the Khazana Bakshi, State Huzur Treasury that, if according to law, they are bound to maintain their step-mother, they would give her annually about 3 candies of paddy. But the Khazana Bakshi holds and recommends that the amount of the 2nd wife's maintenance should be distributed among all the sons, the step-sons paying Re.1 each per mensem out of their pension, her first son's widow Rs3 and her second son Rs2. The original letter of the Huzur Khazana Bakshi is also sent herewith for reference and return

By Order,

M. A. Muthuswamy Iyer

For Offg. Secretary to Govt.

K.R.

K.R.

G●R. S. 12]

General and Revenue Secretariat. | S&A File No. 55 of 1912

Serial No. 28

W.O. 487/12
11/14/5
RH

1. The texts on Hindu Law on the question of the maintenance of the parents are: —

(1) "A mother, a father, a wife, and a son shall not be forsaken; he who forsakes either of them, unless guilty of a deadly sin shall pay 600 panas to the King" (Manu, Ch VIII pl 389, Grady's Ed.)

(2) "A mother and a father, a virtuous wife and an infant son must be maintained Even doing a hundred times that which ought not to be done" (Colebrooke's Digest, Bk V Ch VI T 2 art 1 p 490).

27 2. The first Case of importance that came up for decision in the Madras High Court is that reported in 5 M. H.C.R. p 377. There, a suit for maintenance was brought by the widow of the late Zamindar of Dorcaud on her behalf and on behalf of her minor Sons and one daughter against her Step Sons. The defts resisted her claim on the ground that a partition took place between them and their half brothers who were the 1st & 2nd Plffs and that the latter should maintain their mother & Sister out of their shares which they

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G●R. S. 12]

General and Revenue Secretariat.

S&R File No. 55 of 1912

Serial No.

received in partition. Their Lordships Holloway & Innes JJ held that the Defts shares Contribute to the maintenance of the Plffs out of their shares which they obtained in partition, and also out of the income of the Zamindari. Their Lordships state the liability of a Step son to provide for the maintenance of his step mother and step sister to the following effect:— "It seems clear, therefore, that there is no alteration of the liability because the girl to be provided for is a half sister, and the same reasoning applies to the step mother, for though the Dayabhaga says that "mother" in reference to this matter does not mean "step mother," the Mitakshara as distinctly says that it does. It seems to us, therefore that there exists no doubt of the liability of the present Appellants to Contribute" p 382. Then we come to the decision in I.L.R. 9 Bom. 279 where it was held that there was no legal obligation upon a Step son to

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

support a ~~Step-mother~~ Step mother in dependently of the evidence in his hands of family property - This decision supports the rule that if the Step son has family property, he must provide his Step mother with maintenance, because a Step mother is a person whom his father was legally bound to maintain as his wife. In I.L.R 5 Bom 99, it was held that a husband could not alienate by a deed of gift to his undivided sons by his first & second wives the whole of his immovable property though self acquired without providing sufficient maintenance for his third wife who was destitute and who had not forfeited her right to maintenance - After the husband's death she was entitled to follow such property in the hands of her Step sons to recover her maintenance, and her right to maintenance was not affected by any agreement made by her with her husband in his life time -

30 There are two cases in Calcutta

G.P.S.—50 000—17-3-07

Serial No.

viz 13 C 336 and 16 C 758, but 16 C 758 is the Case decided by the Privy Council on appeal from the Calcutta High Court from the decision in 13 C 336. So practically both are the same. In this Case, which is governed by the Daya-bhaga School of Law, it has been held that although a widow's maintenance is a charge on the Entire Estate of her deceased husband, yet after partition between her sons & her Step sons it will be a charge only on the Share of her Sons & not on that of her Stepsons. Under the Dayabhaga Law a mother is Entitled to a share on a partition between her sons, but under similar Circumstances she is not Entitled to a Share from her Step Sons. So long as the Estate is undivided a widow's maintenance is a charge on the whole property. When a division takes place among Sons of different mothers, Each widow is Entitled to maintenance out of the Share or Shares allotted to her own

Note.—Contn sheet.

Serial No.

Sons, and She Cannot claim Maintenance from her Step Sons. The rights of a mother & Step mother to partition & Maintenance are set forth by Wilson J in I.L.R. 15 C 292 at p 306. There it is stated that a Step mother who has no Son of her own, but has sons by another wife will be only entitled to Maintenance ... In such a Case She has a claim for Maintenance on the whole property. Where She has Sons and they divide their fathers property between them & their Step brothers She Can claim a share only out of the shares of her own sons and her claim to maintenance is restricted to her sons shares. The Cases in 15 C 292 & 16 C 758 proceed upon the peculiar principle that mothers are entitled to shares on a partition among sons of the same father. Where the family is joint a mother Cannot predicate which particular part of the family property must be charged for her Maintenance. But after a partition the family is split up and She is in a position to predicate which

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

particular part can be charged for her maintenance, and it is thought reasonable that her maintenance must attach to that share of the estate which is allotted to her sons. ~~Since~~ Since by the division she becomes a member of her son's family it is considered not reasonable that she should claim maintenance against another family of which her step sons become members (see 13 C 336, 343-344). In Madras no share is allotted to a mother in a partition and a mother or step mother has a charge for her maintenance on the whole property of the deceased and the reasons that obtain in Bengal for charging a mother's maintenance on the share of her own sons do not hold good in Madras. Under the Mayuka in Bombay a mother or step mother shares equally with all the sons (I.L.R. 17 B 271; 31 B 54).

3 Under the Mitakshara in Madras the term "mother" in the texts noted above includes a "step mother" and in accordance

GPB—55,000—27-4-09

Serial No.

with the decisions in 5 M.H.C 377 and 9 B. 279, a step mother can claim maintenance from her step sons when the latter have inherited property from their father and her claim for maintenance can be charged on the whole property. In Mysore Hindus are governed by the Law of Mitakshara & the steps are liable to the extent stated above to provide for the maintenance of the step mother.

32 3. A mother can claim maintenance from her son and in the case of his death out of his property in the hands of his widow i.e. her daughter-in-law (see 2 L.R. 8 Mad 236)

33 4. In the present case the step sons the daughter-in-law & her own son are liable to maintain the step mother out of the property inherited from the step mother's husband.

S. Donaldson
10.5.1913. for Chief Secy

Subd
Bkm
10/5/13 I do not consider any action on the one proposed by the Govt to call upon this agreement by virtue of the recommendations of the

GPB—55,000—27-4-09

C. R. S. 12]

General and Revenue Secretariat.

S.R. File No. 55 of 1912

Serial No.

Khajana Balakrishniah's Will may now be given Effect to.

Dy Secy) 35 A revised draft may be put up

Draw 19/5

36 Revised draft subd

20/5

Dy Secy

21 A fair draft as revised may be put up

Draw 21/5

38 Subd as directed

21/5

Dy Secy)

39 A redistribution of the pension is ordered at the request of the petitioner. The Huzur Treasury Officer recommends it and the petitioner's prayer is legally admissible. The Govt Advocate also takes the same view. Hence the draft put up may be approved.

Dewan)

Draw as ag'd 24/5

3212
24.5.13

(Vide orders on subsequent page.
Dated 18.8.13.)

Draw 18/8

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

(R. S. 12]

(20

General and Revenue Secretariat.

S&A File No. 55 of 1912

Serial No.	
	Papamma & Gopaal
6	Petition* dated 11.5.13 from Venkatanarasamma one of the Pallegar pensioners of Gummanaikanpalya family now residing in Gullapalli Bagepalli Taluk, addressed to the Dewan.
(40)	Represents that she was not able to be present (~~xxxxxxxxxxxxxxx~~) at the time when enquiry was held by the Khazana Bakshi regarding the amount of maintenance to be paid by her & her mother-in-law Papamma that she addressed a petition requesting that another date might be fixed and intimation thereof given to her but no intimation was given and requests that she along with 4 other pensioners may be examined and then the amount payable by each fixed.
	2 The connected papers were submitted to Dewan on 24.5.13.
	3 Subd for orders as to whether this may be subd in continuation.
	R.K. Gbh.
(41)	7/6 4 It seems to me necessary that the applicant should be examined as requested and this lady should contribute 3 Rs out of her pension of Rs 15-6-11 for a great sacrifice.
	D Secy!
(42)	This may be sent to the D.O. in continuation.

D No. 3660

Gbh

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

(R. S. 12]

General and Revenue Secretariat.

S&A File No. 55 of 1912

Serial No.	
	If necessary, the petition will be noted upon fully after the connected papers are received back. Draft 11/6
3525 13.6.13.	
43)	The case may be noted upon fully in short if 7/32/12 pressure for papers are returned. 18.8.13 RG
44)	The case has been examined again. A precis of the case on Routine Note is put up. The further examination made discloses that there is nothing in the petition recently made to affect the view already contained in the draft order. As suggested in para 39, the draft may be approved. Draft 18/8. Dewan 7/9
X	
5123 8.9.13	
45	Draft approved by Dewan. 11-9-13. 11/9 Draft 11/9
46.	
9	To 1) The Khazanchi Bakshi, returning the records 2) " Comptroller Fl. 1541-2 of 15.9.13
	Sanctions with effect from 1.4.13 the Khazanchi Bakshi's recommendation to grant a monthly addl. of Rs 8/- out of the shares of the following stipendiaries of the Ayunnarikan Kallazan Family Pension: 1) Re 1/- each from her 3 step sons out of their pension 2) Rs 2/- by her son out of her pension 3) Rs 3/- by her daughter-in-law out of her pens
Oct 13 1913	

NOTE—Contn. sheet.

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

SJA·55-12

As ordered by the Asst Secy on the Routine notes below a precis of the case is put up:—

Pollegar pensioner Subbappa Naik of the Gummanaikanpalya Pollegar family died leaving three sons by his 1st wife, and also a widow (her 2nd wife) with her two sons. The elder of these latter died issueless leaving a widow behind him. The subjoined genealogical table will make the relationships clear:—

Subbappa Naik

By 1st wife
3 Sons
(i) Ramaswami Naik
(ii) Bangaru Naik
(iii) Narasimha Naik

By 2nd wife
Papamma (Petr)

Narasimi Naik
(died issueless)
Wife Kukkata
narasamma. (Petr)
gets her husband's
pension @ Rs 15/6/-

Rangappa
Naik,
gets Rs
15-6-

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

P.T.O.

GPB—25,000—23-7-12

G.R.S. 13.]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

2 A partition is said to have been entered into by all the five sons, who began to live separate when their father was alive, no provision having been made therein for the pensioner's 2nd wife Papamma. This lady after her husband's death was living with her second son Rangappa naik. In the meantime Narainsamy naik's pension was on the representation of his widow Venkatanarasamma, ordered to be continued to her.

3 Papamma latterly complained that Rangappa naik with whom she was living had grown inattentive to the family needs, and prayed that a suitable allowance for her maintenance may be awarded to her out of the

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—25,000—23-7-12

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

pension of her son R. naik and daughter-in-law Venkatanarasamma.

4 The matter was referred to the Khazana Bakshi for enquiry and report, and an enquiry was accordingly held by him in the cause of which Papamma's son R. naik, daughter in law Venkatanarasamma, & ~~also~~ her three step sons were all examined. Their statements may be summarised as follows:—

(1) Rangappa naik agreed to pay Rs 3/- per mensem to his mother out of his pension.

(2) Venkatanarasamma contended that as Papamma had been provided for during the family partition nothing need be given to her.

(3) The step sons said they are not bound to maintain the

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—25,000—23-7-12

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

step mother, and that if the law is otherwise they would give her annually 3 candies (2160 seers) of paddy between themselves.

5 In reporting on the case the Khazana Bakshi held that Venkatanarasamma's contention refered to was not made out, and that the step sons are, under the Hindu Law which is the law applied to Polligars in mysore, bound to maintain their step mother, and recommended that a sum of Rs 87- may be ordered to be paid to her from the pensions of the son, daughter-in-law and stepsons in the following proportion: —

Paper sent for disposal-I

N. B —Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

GPB—25,000-23-7-12

P. 1-0

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Son R. naik Rs 2/-

Daughter-in-law Venkatanarasamma } Rs 3/-

Three step Sons Rs 3/-, at Re 1/- from the pension of each.

6 This recommendation was considered in the notes in the file, and after satisfying by reference to the Government Advocate that the son, the stepsons and the daughter in law are alike bound to maintain Papamma, it was proposed to sanction the recommendation. A draft order was accordingly put up and submitted to the Dewan for approval.

7 In the meantime Venkata-narasamma petitioned Govt. urging the necessity for a further examination

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

GPB—25,000—23-7-12

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

herself and her brothers-in-law viz. the son and the step sons of Papamma, with a view to fix the amount each has to pay towards the latter's maintenance

8 To deal with this petition and to note upon it fully, the main file on the subject has been referred back by the Dewan.

9 So far as the prayer in the present petition goes, it may be mentioned that all the persons referred to therein have been examined by the K.B and their depositions are on the file. It is doubtful if any useful purpose will be served by any further examination

Papers under Dep. II

Please see para 4, supra.

+ N S & T.

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

Submitted
Asst 30/8

Ladies Sanctions & Rs to Papamma Magistrate.

30/8

S.V.—B—25,000—23-7-12

11/1378 Sr+A Pol Pr. 1/1 te

Mysore State Huzur Treasury,

Bangalore, 14th August 1912.

DIARY No. 678

10/2/1913
SECTION S+A
FILE NO. 55-12
SUBDIVISION NO. 1

From

The Khazana Bakshi,

State Huzur Treasury,

Bangalore.

To

The Secretary to the Government of Mysore,

General and Revenue Departments,

Bangalore.

HUZUR TREASURY 14 1912 BANGALORE.

No. 74/ Encr. 2 Pet.

I have the honor to forward a petition dated 15th July'12 from Papamma of the Gumkayalanhalli Pallegar Family praying that she might be awarded suitable maintenance from out of the pensions enjoyed by her son Kumarappa Naik, and her daughter-in-law Venkatanarasamma, and to state as follows.

2. A few years after the death of the petitioner's 2nd son Narasimhaswami Naik, the latter's widow Venkata Narasamma petitioned the Government and got sanctioned a pension of Rs.15-0-0 in her favour vide Government Order No.Fl.3372-4/S&A.172-09-4 dated 18th January 1910. The petitioner and her surviving son Kumarappa objected to the grant on the score that Venkatanarasamma was entitled only to maintenance and not to pension. The matter

5V

Government had not directed all efforts towards securing a further portion of the pension for her son Rangappa Naik, Government would no doubtless ordered on that point also. For this the petitioner herself to blame.

4. Since the right of the petitioner to maintenance is unquestionable, I beg to recommend that it may be fixed at rupees eight, to be contributed by the pensions of her son Rangappa Naik and her daughter-in-law Venkatanarasamma in the sums of Rs.3/- and Rs.5/- respectively. I have made the portion of the daughter-in-law larger, since as the old lady has been contending all along, Rangappa Naik's pension can ill-afford to bear any further burden, as it has already to sustain the maintenance of his big family. Venkata Narasamma the daughter-in-law, being alone and without children, can afford to contribute more.

5. The previous petitions of the petitioner returned to this office with Government order No. Ms 3372-4 & 15 Jan: 1910 is forwarded for kind reference and return.

I have the honor to be,

Sir,

Your most obedient servant,

Khazana Bakshi,

State Huzur Treasury.

G.R.S. 26]

Q/a 1st

2
55

File No. 12

Serial No. 2

Diary No. of letter replied to 678

General and Revenue Secretariat

(S/D)

, the *19* .

Date of issue

Signed by

No. H 2214

21-9-12

To

The Khazana Bakshi

State Huzur Treasury

Bangalore

Reminder-
Lr no 2805 issued
on 13-11-12 Sir

Adverting to your letter No. 744 14.8.12 regarding the grant of ~~Some~~ of Rs a maintenance allowance to Papamma of Channanaickana Palleyar family, I am directed to enquire what the latter has to say ~~to the matter~~ against such an arrangement being sanctioned.

from the pension of her daughter in law Venkata Narasamma.

over. 2)

SUBJECT.

2 The two petitions received with the letter under reference returned herewith are

Nairobi,

Le 19/9/12

Dor Advg. Secretary

18.9.12

List of enclosures,

Copied by

Examined by

G.P.B.—20,000—25-9-10

Mysore State Huzur Treasury,

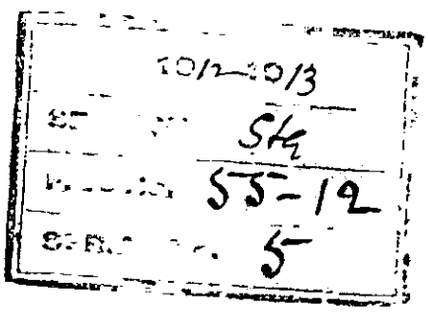
Bangalore, dated 13th March, 1913.

From

The Khazana Bukshi,

State Huzur Treasury,

Bangalore.



To

The Secretary,

To the Government of Mysore,

General and Revenue Department,

Bangalore.

Sir,

In pursuance of your letter No. Fl.2214/S & A 55-12-2 dated 21st September 1912 in the matter of the petition of Papamma of Gummanahalli Palya family for maintance, Venkatanarasama was sent for and asked what she had to say to contributing Rs. 5/- towards the maintenance of her mother-in-law, Papamma. She stated that Papamma had already been provided for during the life time of the latter's husband, her father-in-law, having been given an acre of land and 11 varahas of gold at the time when a division of the family partition was effected by her father-in-law between his five sons and that therefore Papamma was not entitled to any further provision for maintenance. She further stated that if a maintenance should be decreed, the three sons of her father-in-law by the first wife namely Narasimha Naik and his two brothers who were also enjoying their shares of their father's pension should also be made to contribute.

2. Ramaswamy Naik and his two brothers, Papamma's step-sons were summoned to present themselves with the family partition deed

deed which they did. It will appear from their statement that no provision was made for Papamma's maintenance at the time of the family partition as stated by Venkatanarasama and that their step-mother had absolutely no jewels on her person. The partition deed also bears out their statement. With regard to the acre of land alleged by Venkatanarasama to have been given to Papamma, it is evident from the statement of Ramaswamy Naik as well as from the partition memo that Venkatanarasama is confusing the gift to Kannama, Papamma's daughter, as having been made to Papamma herself. Venkatanarasama's statement that her mother-in-law had already been provided for with regard to maintenance may thus be taken to have been entirely disproved.

3 The next point for consideration is that raised by Venkatanarasama, whether the step sons of Papamma are not also liable to contribute towards Papamma's maintenance. The step-sons - Ramaswamy Naik and his two brothers contend that it is not usual among Pallegars to maintain their step mothers when she has sons of her own living and that therefore Papamma's son Rungappa Naik and her daughter-in-law are alone liable to pay. Ramaswamy Naik is unable to substantiate his statement by any rule or precedent - and I am myself also unable to find any.

4 The Hindu law is what is generally being applied to Pallegars and under that law the step-sons cannot escape liability to maintain their step-mother merely on the ground that the latter has her own natural sons living, especially so when they have divided the assets of the father among themselves. I hold, therefore, that the step-sons are bound to contribute.

5 Now it only remains to fix the several amounts payable by the contributories. I am of opinion and recommend that the three step

7

step-sons ~~may~~ should be made to pay out of their pensions to Papamma one Rupee each, Rungappa Naik, the son, two Rupees and Venkatanarasama three Rupees, thus making Rs. 8/- in all.

6 I do not think that this is a case in which arrears of maintenance should be awarded since as I have already pointed out in my letter No. 74 dated 14th August 1912, that if the question of maintenance to Papamma had not been decided by Government earlier, she was herself to blame. The payment therefore may have effected from the date of Government order. ~~Exsubmitx~~

I submit the records of the case, which may be kindly returned when done with.

I have the honour to be,
Sir,
Your most obedient servant,

Khazana Bukshi
State Huzur Treasury,
Bangalore.

DIARY NO

DEWAN'S OFFICE.

Date of Receipt 19.5.13

Petn, Regr. No 921

DIARY NO 10/2-2013

SECTION S/4

FILE NO. 55-12

SERIAL No. 6

1½

G.R.S. 28.

Maintenance allce to Papamma of the Gummanaikanpalya Pallegar thro' the Kolar Deputy Commissioner

12/9

File No. 55-12
Serial No. 9

Diary No. of letter replied to 3660

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(S&A)

Papers under Sec'y's

the 19

Date of issue 15-9-13

Signed by W L Narasimhan

READ—

Correspondence ending with letter No. 106 dated 13th March 1913 from the Khazana Bakshi, State Huzur Treasury, submitting his report on the petition of Papamma of the Gummanaikanpalya Pallegar

~~ORDER THEREON.—No.~~

family for a grant of some maintenance allowance out of the family pension.

No. JE 154
9 15-9-1913

1-2. Order thereon: No.
In the letter read above the Khazana Bakshi recommends

over

SUBJECT.

GPB—10,000—9-12-09

that Rs 8 may be sanctioned on behalf of Papamma, payable as follows:—

1. By her three stepsons at one Rs each out of their pension
2 By her son at Rs 2 out of his pension
3 By her daughter-in-law at Rs 3 out of his pension

2. The persons referred to above being liable to maintain the petitioner out of the property inherited by them from her deceased husband, Govt are pleased to sanction the recommendation of the Asharam Bakshi with effect from 1st April 1913.

Para 22 of Rules

Para 15 (a) 2nd Sch.

Draw 24/5
for Offg Secy

11/9/13
RC

Vr 22/5/13

To—
The Khazana Bakshi Returning the record
Govt Advocate in Mysore